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STAFF REGULATIONS OF THE TRIBUNAL

Drawn up by the Registrar and revised by the
Committee on Staff and Administration

Approved by the Tribunal on 8 October 1998

Introductory note

The Meeting of States Parties decided that the International Tribunal for the Law of the Sea should establish its own staff regulations and submit them to the Meeting of States Parties (SPLOS/14, para. 35). Pending the establishment of its own regulations and rules, the Tribunal was requested to apply mutatis mutandis the Staff Regulations and Rules of the United Nations.

At its sixth session (21 September-9 October 1998), acting on the recommendation of the Committee on Staff and Administration, the Tribunal approved the Staff Regulations of the Tribunal on 8 October 1998.

The Tribunal further decided that the Staff Regulations would become effective when approved. Pending the establishment of its own staff rules, the Tribunal will apply, mutatis mutandis, the Staff Rules of the United Nations.

To the extent possible the Staff Regulations are based on the Staff Regulations of the United Nations (ST/SGB/1998/8).

Pursuant to the decision of the Meeting of States Parties, these Staff Regulations are submitted to the Meeting of States Parties.

99-09218 (E) 190499

STAFF REGULATIONS OF THE TRIBUNAL*

Approved on 8 October 1998

The Tribunal,

Acting pursuant to article 38, paragraph 4, of the Rules of the Tribunal,

Approves the following Staff Regulations.

Scope and purpose

The Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of the Registry. They represent the broad principles of personnel policy for the staffing and administration of the Registry. The Registrar, as the Chief Administrative Officer, shall establish and enforce such staff rules consistent with these principles as he or she considers necessary.

Article I

Duties, obligations and privileges

Regulation 1.1

Members of the Registry are international civil servants. Their responsibilities are not national but exclusively international. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interests of the Tribunal only in view.

Regulation 1.2

Staff members are subject to the authority of the Registrar and to assignment by the Registrar to any of the activities or offices of the Tribunal. They are responsible to the Registrar in the exercise of their functions. The whole time of staff members shall be at the disposal of the Registrar.

Regulation 1.3

In the performance of their duties members of the Registry shall neither seek nor accept instructions from any Government or from any other entity external to the Tribunal.

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* These Regulations follow, as appropriate, the numbering of corresponding regulations of the Staff Regulations of the United Nations, with the exception of regulations 4.5 and 10. Regulations 1.9, 3.5, 12.6 and 12.7 have no corresponding provision in the Staff Regulations of the United Nations.

Regulation 1.4

Members of the Registry shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the Tribunal. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status, or on the integrity, independence and impartiality which are required by that status. While they are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.

Regulation 1.5

Staff members shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person any information coming to their knowledge by reason of their official position which has not been made public, except in the course of their duties or by authorization of the Registrar. Nor shall they at any time use such information to private advantage. These obligations do not cease upon separation from the Registry.

Regulation 1.6

No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government excepting for war service; nor shall a staff member accept any honour, decoration, favour, gift or remuneration from any source external to the Tribunal, without first obtaining the approval of the Registrar. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the terms of regulation 1.2 and with the individual's status as an international civil servant.

Regulation 1.7

Staff members may exercise the right to vote but shall not engage in any political activity which is inconsistent with or might reflect upon the independence and impartiality required by their status as international civil servants.

Regulation 1.8

(a) The privileges and immunities deriving from the United Nations Convention on the Law of the Sea and the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea of 23 May 1997 are conferred in the interests of the Tribunal.

(b) The privileges and immunities deriving from any agreement between the International Tribunal for the Law of the Sea and the Federal Republic of Germany regarding the Headquarters of the Tribunal and any other agreement concerning privileges and immunities of the Tribunal are also conferred in the interests of the Tribunal.

(c) These privileges and immunities furnish no excuse to staff members who enjoy them for non-performance of their private obligations or failure to observe laws and police regulations. Whenever a question related to these privileges and immunities arises, the staff member shall immediately report to the Registrar.

Regulation 1.9

(a) The normal hours of work shall be from 9 a.m. to 6 p.m. from Monday to Friday, with a luncheon interval of one hour and a half.

(b) The Registry shall normally observe nine holidays in the year as selected by the Registrar, taking into account the public holidays at the seat of the Tribunal in Hamburg, Germany.

(c) Exceptions to the rules in the foregoing paragraphs may be made by the Registrar as the needs of the service require.

Article II

Classification of posts and staff

Regulation 2

In conformity with principles laid down by the General Assembly of the United Nations, the Registrar shall make appropriate provision for the classification of posts and staff according to the nature of the duties and responsibilities required.

Article III

Salaries and related allowances

Regulation 3.1

Salaries of staff members shall be fixed by the Registrar in accordance with the provisions of annex I.

Regulation 3.2

(a) The Registrar shall establish terms and conditions under which an education grant shall be available to a staff member residing and serving outside his or her recognized home country whose dependent child is in full-time attendance at a school, university or similar educational institution of a type that will, in the opinion of the Registrar, facilitate the child's reassimilation in the staff member's recognized home country. The grant shall be payable in respect of the child up to the end of the fourth year of post-secondary studies or the award of the first recognized degree, whichever is the earlier. The amount of the grant per scholastic year for each child shall be 75 per cent of the admissible educational expenses actually incurred, subject

to a maximum grant as approved by the General Assembly of the United Nations. Travel costs of the child may also be paid for an outward and return journey once in each scholastic year between the educational institution and the duty station, except that in the case of staff members serving at designated duty stations where schools do not exist that provide schooling in the language or in the cultural tradition desired by staff members for their children, such travel costs may be paid twice in the year in which the staff member is not entitled to home leave. Such travel shall be by a route approved by the Registrar, but not in an amount exceeding the cost of such a journey between the home country and the duty station.

(b) The Registrar shall also establish terms and conditions under which, at designated duty stations, an additional amount of 100 per cent of boarding costs subject to a maximum amount per year as approved by the General Assembly of the United Nations may be paid in respect of children in school attendance at the primary and secondary levels.

(c) The Registrar shall also establish terms and conditions under which an education grant shall be available to a staff member serving in a country whose language is different from his or her own and who is obliged to pay tuition for the teaching of the mother tongue to a dependent child attending a local school in which the instruction is given in a language other than his or her own.

(d) The Registrar shall also establish terms and conditions under which an education grant shall be available to a staff member whose child is unable, by reason of physical or mental disability, to attend a normal educational institution and therefore requires special teaching or training to prepare him or her for full integration into society or, while attending a normal educational institution, requires special teaching or training to assist him or her in overcoming the disability. The amount of this grant per year for each disabled child shall be equal to 100 per cent of the education expenses actually incurred, up to a maximum amount approved by the General Assembly of the United Nations.

(e) The Registrar may decide in each case whether the education grant shall extend to adopted children or stepchildren.

Regulation 3.3

(a) An assessment at the rates and under the conditions specified below shall be applied to the salaries and such other emoluments of staff members as are computed on the basis of salary, excluding post adjustments, provided that the Registrar may, where he or she deems it advisable, exempt from the assessment the salaries and emoluments of staff members engaged at locality rates.

(b) (i) The assessment shall be calculated at the following rates for staff members whose salary rates are set forth in paragraphs 1 and 3 of annex I:

Assessment

Total assessable payments (United States dollars)	Staff assessment rates for purposes of pensionable remuneration and pensions (percentage)
Up to $20,000 per year	11
$20,001 to $40,000 per year	18
$40,001 to $60,000 per year	25
$60,001 and above per year	30

Total assessable payments (United States dollars)	Staff assessment rates used in conjunction with gross base salaries (percentage)	
	Staff member with a dependent spouse or dependent child	Staff member with neither a dependent spouse nor a dependent child
First $15,000 per year	9.0	11.8
Next $5,000 per year	18.1	24.5
Next $5,000 per year	21.5	27.0
Next $5,000 per year	24.9	31.5
Next $5,000 per year	27.5	33.4
Next $10,000 per year	30.1	35.7
Next $10,000 per year	31.8	38.2
Next $10,000 per year	33.5	38.8
Next $10,000 per year	34.4	39.8
Next $15,000 per year	35.3	40.8
Next $20,000 per year	36.1	44.2
Remaining assessable payments	37.0	47.4

(ii) The assessment shall be calculated at the following rates for staff members whose salary rates are established under paragraph 6 of annex I:

Total assessable payments (United States dollars)	Assessment (percentage)
Up to $20,000 per year	19
$20,001 to $40,000 per year	23
$40,001 to $60,000 per year	26
$60,001 and above per year	31

(iii) The Registrar shall determine which of the scales of assessment set out in subparagraphs (i) and (ii) above shall apply to each of the groups of personnel whose salary rates are established under paragraph 5 of annex I.

(iv) In the case of staff members whose salary scales are established in currencies other than United States dollars, the relevant amounts to which the assessment applies shall be fixed at the local currency equivalent of the above-mentioned dollar amounts at the time the salary scales of the staff member concerned are approved.

(c) In the case of a person who is not employed by the Tribunal for the whole of a calendar year or in cases where there is a change in the annual rate of payments made to a staff member, the rate of assessment shall be governed by the annual rate of each such payment made to him or her.

(d) The assessment computed under the foregoing provisions of this regulation shall be collected by the Tribunal by withholding it from payments. No part of the assessment so collected shall be refunded because of cessation of employment during the calendar year.

(e) Revenue derived from staff assessment shall be credited to a tax equalization fund established by the Tribunal.

(f) Where a staff member is subject both to staff assessment under this plan and to national income taxation in respect of the salaries and emoluments paid to him or her by the Tribunal, the Registrar is authorized to refund to him or her the amount of staff assessment collected from him or her provided that:

(i) The amount of such refund shall in no case exceed the amount of the staff member's income taxes paid and payable in respect of his or her income from the Tribunal;

(ii) If the amount of such income taxes exceeds the amount of staff assessment, the Registrar may also pay to the staff member the amount of such excess;

(iii) Payments made in accordance with the provisions of this regulation shall be charged to a tax equalization fund;

(iv) A payment under the conditions prescribed in the three preceding subparagraphs is authorized in respect of dependency benefits and post adjustments, which are not subject to staff assessment but may be subject to national income taxation.

Regulation 3.4

(a) Staff members whose salary rates are set forth in paragraphs 1 and 3 of annex I shall be entitled to receive dependency allowances for a dependent child, for a disabled child and for a secondary dependant at rates approved by the General Assembly of the United Nations as follows:

(i) The staff member shall receive an allowance for each dependent child, except that the allowance shall not be paid in respect of the first dependent child if the staff member has no dependent spouse, in which case the staff member shall be entitled to the dependency rate of staff assessment under subparagraph (b) (i) of regulation 3.3;

(ii) The staff member shall receive a special allowance for each disabled child. However, if the staff member has no dependent spouse and is entitled to the dependency rate of staff assessment under subparagraph (b) (i) of regulation 3.3 in respect of a disabled child, the allowance shall be the same as the allowance for a dependent child in (i) above;

(iii) Where there is no dependent spouse, a single annual allowance shall be paid for a secondary dependant in respect of either a dependent parent, a dependent brother or a dependent sister.

(b) If both husband and wife are staff members, one may claim, for dependent children, under subparagraph (a) (i) and (ii) above, in which case the other may claim only under subparagraph (a) (iii) above, if otherwise entitled.

(c) With a view to avoiding duplication of benefits and in order to achieve equality between staff members who receive dependency benefits under applicable laws in the form of governmental grants and staff members who do not receive such dependency benefits, the Registrar shall prescribe conditions under which the dependency allowance for a child specified in subparagraph (a) (i) shall be payable only to the extent that the dependency benefits enjoyed by the staff member or his or her spouse under applicable laws amount to less than such a dependency allowance.

(d) Staff members whose salary rates are set by the Registrar under paragraph 5 or paragraph 6 of annex I shall be entitled to receive dependency

allowances at rates and under conditions determined by the Registrar, due regard being given to the circumstances in the locality in which the office is located.

(e) Claims for dependency allowances shall be submitted in writing and supported by evidence satisfactory to the Registrar. A separate claim for dependency allowances shall be made each year.

Regulation 3.5

(a) Staff members of the Registry in the General Service category shall be entitled to compensation for overtime work done on the instructions of the Registrar outside the normal hours or on other than working days. Such compensation shall take the form of either compensatory leave or a supplementary payment, on the terms stated in the Staff Rules.

(b) Staff members other than those in the General Service category may be given compensatory leave if they have worked considerable or frequent overtime periods.

Article IV

Appointment and promotion

Regulation 4.1

(a) Staff members of the Registry shall be appointed by the Tribunal on proposals submitted by the Registrar.

(b) Appointments of staff members in the General Service category and of short-term staff shall, however, be made by the Registrar with the approval of the President of the Tribunal.

(c) On appointment, staff members shall receive a letter of appointment drawn up in accordance with annex II. Such letter of appointment shall contain expressly or by reference all the terms and conditions of employment.

Regulation 4.2

The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

Regulation 4.3

Selection of staff members shall be made without distinction as to race, sex or religion. So far as practicable, selection shall be made on a competitive basis.

Regulation 4.4

Subject to the provisions of article 35, paragraph 2, of the Rules of the Tribunal, and without prejudice to the recruitment of fresh talent at all levels, the fullest regard shall be had, in filling vacancies, to the requisite qualifications and experience of persons already in the service of the Tribunal. This consideration shall also apply, on a reciprocal basis, to the United Nations, its specialized agencies and other organizations brought into relationship with the United Nations.

Regulation 4.5

The Registrar shall establish appropriate medical standards that staff members shall be required to meet before appointment.

Article V

Annual and special leave

Regulation 5.1

Staff members shall be allowed appropriate annual leave.

Regulation 5.2

Special leave may be authorized by the Registrar in exceptional cases.

Regulation 5.3

Eligible staff members shall be granted home leave once in every two years. A staff member whose home country is either the country of his or her official duty station or the country of his or her normal residence while in the service of the Tribunal shall not be eligible for home leave.

Article VI

Social security

Regulation 6.1

Provision shall be made for the participation of staff members in the United Nations Joint Staff Pension Fund in accordance with the regulations of that Fund.

Regulation 6.2

The Registrar shall establish a scheme of social security for the staff, including provisions for health protection, sick leave and maternity leave, and reasonable compensation in the event of illness, accident or death attributable to the performance of official duties on behalf of the Tribunal.

Article VII

Travel and removal expenses

Regulation 7.1

Subject to conditions and definitions prescribed by the Registrar, the Tribunal shall in appropriate cases pay the travel expenses of staff members, their spouses and dependent children.

Regulation 7.2

Subject to conditions and definitions prescribed by the Registrar, the Tribunal shall pay removal costs for staff members.

Article VIII

Staff relations

Regulation 8

(a) A Staff Committee elected by the staff (other than short-term staff) shall be established; it shall consist of three staff members, of whom at least one shall be a staff member in the General Service category and at least one a staff member in the Professional and higher categories.

(b) The Staff Committee shall be entitled to make proposals to the Registrar and to be consulted on general problems of staff welfare, conditions of work and general personnel policies. General administrative instructions on such questions shall, except in cases of urgency, be shown in advance to the Committee for consideration and comment.

(c) Individual staff members shall remain entitled to approach the Registrar directly on any matter relating to their own rights and duties, and the Staff Committee shall not intervene in any such matter unless requested to do so by the staff member concerned.

(d) The Registrar shall afford facilities for meetings of the staff and of the Staff Committee, and shall allow members of the Staff Committee sufficient time for the performance of their functions, during office hours.

Article IX

Separation from service

Regulation 9.1

(a) The Registrar may terminate the appointment of a staff member who holds a permanent appointment and whose probationary period has been completed, if the necessities of the service require abolition of the post or reduction of the staff, if the services of the individual concerned prove unsatisfactory, or if he or she is, for reasons of health, incapacitated for further service.

The Registrar may also, giving reasons therefor, terminate the appointment of a staff member who holds a permanent appointment:

(i) If the conduct of the staff member indicates that the staff member does not meet the highest standards of integrity required by article 35, paragraph 2, of the Rules of the Tribunal;

(ii) If facts anterior to the appointment of the staff member and relevant to his or her suitability come to light that, if they had been known at the time of his or her appointment, should, under the standards established in the Rules of the Tribunal, have precluded his or her appointment.

Finally, the Registrar may terminate the appointment of a staff member who holds a permanent appointment if such action would be in the interest of the good administration of the Tribunal and in accordance with the standards of the Rules of the Tribunal, provided that the action is not contested by the staff member concerned.

(b) The Registrar may terminate the appointment of a staff member with a fixed-term appointment prior to the expiration date for any of the reasons specified in paragraph (a) or for such other reason as may be specified in the letter of appointment.

(c) In the case of all other staff members, including staff members serving a probationary period for a permanent appointment, the Registrar may at any time terminate the appointment if, in his or her opinion, such action would be in the interest of the Tribunal.

Regulation 9.2

Staff members may resign from the Registry upon giving the Registrar the notice required under the terms of their appointment.

Regulation 9.3

(a) If the Registrar terminates an appointment, the staff member shall be given such notice and such indemnity payment as may be applicable under these Regulations and the Staff Rules. Payments of termination indemnity shall be

made by the Registrar in accordance with the rates and conditions specified in annex III.

(b) The Registrar may, where the circumstances warrant and he or she considers it justified, pay to a staff member terminated under the final paragraph of regulation 9.1 (a) a termination indemnity payment not more than 50 per cent higher than that which would otherwise be payable under these Regulations.

Regulation 9.4

The Registrar shall establish a scheme for the payment of repatriation grants within the maximum rates and under the conditions specified in annex IV.

Regulation 9.5

(a) The age limit for members of the staff shall be 62 years.

(b) The Tribunal may, however, on the proposal of the Registrar, decide to retain a staff member in the service beyond this age limit. For staff members in the General Service category and for short-term staff, the decision whether to grant an extension shall be taken by the Registrar, with the approval of the President of the Tribunal.

(c) Any such extension shall not exceed one year at a time.

Article X

Disciplinary measures

Regulation 10

(a) The Registrar may impose disciplinary measures on staff members whose conduct is unsatisfactory. The Registrar may summarily dismiss a member of the staff for serious misconduct.

(b) The Registrar may establish an advisory machinery with staff participation for these purposes.

Article XI

Appeals

Regulation 11

(a) There is hereby established a Conciliation Committee, consisting of three staff members of the Registry selected as follows:

(i) One member designated by the Registrar;

(ii) One member elected by the Staff Committee or, if it has proved impossible to form that Committee, one member elected by the staff as a whole, by simple majority; and

(iii) A chairman chosen by the above two members or, if there has been a failure of agreement between them, designated by the President of the Tribunal.

(b) Each member of the Conciliation Committee selected in accordance with paragraph (a) shall have an alternate selected in the same manner, who shall sit in the event of it being impossible for the full member to do so for the reasons set forth in paragraph (c) or for any other compelling reason, such as ill-health.

(c) Members of the Conciliation Committee and their alternates may not deal with any case in which they have previously taken part, in whatever capacity, or the decision of which could be of direct concern to them.

(d) The term of office of the members of the Conciliation Committee and their alternates shall be three years. In case of a casual vacancy, a member shall be selected as soon as practicable for the remainder of the predecessor's term; the selection shall be made in the manner prescribed above for the original selection. A member shall hold office until replaced but, though replaced, shall finish any case with which that member may have begun to deal before the replacement, provided that the member remains a staff member of the Registry.

(e) A staff member of the Registry may lodge a complaint with the Conciliation Committee:

(i) Against an administrative decision alleging non-observance of that member's contract or of that member's terms of employment, the words "contract" and "terms of employment" comprising all provisions of these Regulations, and of the texts referred to therein, as may have been in force at the time of the alleged non-observance; or

(ii) Against any disciplinary actions taken against that member.

(f) The Conciliation Committee shall hear the staff member and the Registrar and endeavour to settle the matter by way of conciliation in accordance with the applicable provisions of annex V.

(g) In the event of a failure to achieve a conciliation, the administrative decision or disciplinary action may be the subject of an Application to the United Nations Administrative Tribunal, in accordance with the statute of that Administrative Tribunal and under the conditions agreed between the International Tribunal for the Law of the Sea and the United Nations.

(h) In the event of difficulty in the application of this regulation and of annex V, the Tribunal will decide.

Article XII

General provisions

Regulation 12.1

(a) These Regulations may be supplemented or amended by the Tribunal, without prejudice to the acquired rights of staff members.

(b) Staff members may suggest to the Registrar amendments to these Regulations.

Regulation 12.2

Such staff rules and amendments thereto as the Registrar may make to implement these Regulations shall be provisional until the requirements of regulations 12.3 and 12.4 have been met.

Regulation 12.3

The full text of provisional staff rules and amendments shall be reported annually to the Tribunal. Should the Tribunal find that a provisional rule or amendment is inconsistent with the intent and purpose of these Regulations, it may direct that the rule or amendment be withdrawn or modified.

Regulation 12.4

The provisional staff rules and amendments reported by the Registrar, taking into account such modifications or deletions as may be directed by the Tribunal, shall enter into full force and effect on 1 January following the year in which the report is made to the Tribunal.

Regulation 12.5

Staff rules shall not give rise to acquired rights within the meaning of regulation 12.1 (a) while they are provisional.

Regulation 12.6

(a) Should the United Nations Staff Regulations be amended in such a way as to affect the United Nations common system of salaries, allowances and benefits, the Registrar shall promulgate, as soon as practicable, such amendments to these Regulations as are required to ensure compatibility with that system, with an indication of the date from which they take effect. These amendments apply provisionally pending a decision of the Tribunal under paragraph (b).

(b) The text of the provisional amendments referred to in paragraph (a) shall be communicated to the Tribunal as soon as promulgated. The Tribunal shall examine such amendments as soon as possible and take a decision whether or not to amend these Regulations under regulation 12.1.

(c) In exceptional cases, if the Registrar considers that an amendment to the United Nations Staff Regulations should be examined by the Tribunal before taking effect in the Registry, he or she may postpone promulgation of an amendment to these Regulations, and shall in such case report the matter forthwith to the Tribunal.

Regulation 12.7

(a) These Regulations apply to all staff members of the Registry, with the exception of regulations 4.1, 9.1, 9.2, 9.5, 10 and 11, which do not apply to the Registrar, the Deputy Registrar or the Assistant Registrar.

(b) Annexes I to V form an integral part of these Regulations.

Annex I

SALARY SCALES AND RELATED PROVISIONS

(See regulation 3.1)

1. The Registrar shall establish the salaries of officials in the Director category and above, in accordance with amounts determined by the General Assembly of the United Nations, subject to the staff assessment plan provided in regulation 3.3 and to post adjustments wherever applied. If otherwise eligible, they shall receive the allowances that are available to staff members generally.

2. The Registrar is authorized, on the basis of appropriate justification and/or reporting, to make additional payments to officials in the Director category and above to compensate for such special costs as may be reasonably incurred, in the interests of the Tribunal, in the performance of duties assigned to them by the Registrar. Similar additional payments in similar circumstances may be made to heads of offices when they are away from the seat of the Tribunal. The maximum total amount of such payments is to be determined in the budget by the Meeting of States Parties to the United Nations Convention on the Law of the Sea.

3. Except as provided in paragraph 5, the salary scales and the scales of post adjustment for staff members in the Professional and higher categories shall be as provided in this annex.

4. Subject to satisfactory service, salary increments within the levels set forth in paragraph 3 shall be awarded annually, except that any increments above step XI of the Associate Officer level, step XIII of the Second Officer level, step XII of the First Officer level, step X of the Senior Officer level and step IV of the Principal Officer level shall be preceded by two years at the previous step. The Registrar is authorized to reduce the interval between salary increments to ten months and twenty months, respectively, in the case of staff subject to geographical distribution who have an adequate and confirmed knowledge of a second official language of the Tribunal.

5. The Registrar shall determine the salary rates to be paid to personnel specifically engaged for short-term missions, conference and other short-term service, to consultants and to technical experts.

6. The Registrar shall fix the salary scales for staff members in the General Service and related categories, normally on the basis of the best prevailing conditions of employment in the locality of the Tribunal, provided that the Registrar may, where he or she deems it appropriate, establish rules and salary limits for payment of a non-resident allowance to General Service staff members recruited from outside the local area. The gross pensionable remuneration of such staff shall be determined in accordance with the methodology specified in article 54 (a) of the Regulations of the United Nations Joint Staff Pension Fund and are shown in the salary scales applicable to such staff.

7. The Registrar shall establish rules under which a language allowance may be paid to staff members in the General Service category who pass an appropriate test and demonstrate continued proficiency in the use of both of the official languages of the Tribunal.

8. The Registrar may adjust the basic salaries set forth in paragraphs 1 and 3 by the application of non-pensionable post adjustments based on relative costs of living, standards of living and related factors at the office concerned as compared to New York. Such post adjustments shall not be subject to staff assessment.

9. No salary shall be paid to staff members in respect of periods of unauthorized absence from work unless such absence was caused by reasons beyond their control or duly certified medical reasons.

SALARY SCALE FOR STAFF IN THE PROFESSIONAL CATEGORY AND ABOVE*

Annual gross salaries and net equivalents after application of staff assessment

Effective 1 March 1998

(In United States dollars)

Level		STEPS I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII	XIV	XV
Under-Secretary-General																
USG	Gross	147 420														
	Net D	102 130														
	Net S	91 883														
Assistant Secretary-General																
ASG	Gross	133 994														
	Net D	93 671														
	Net S	84 821														
Director																
D-2	Gross	109 741	112 164	114 591	117 016	119 442	121 869									
	Net D	78 390	79 919	81 447	82 975	84 504	86 032									
	Net S	72 056	73 338	74 615	75 890	77 167	78 443									
Principal Officer																
D-1	Gross	97 119	99 168	101 216	103 261	105 310	107 358	109 407	111 476	113 552						
	Net D	70 324	71 633	72 942	74 249	75 558	76 867	78 176	79 485	80 793						
	Net S	65 012	66 156	67 299	68 440	69 583	70 726	71 869	72 976	74 068						
Senior Officer																
P-5	Gross	85 685	87 516	89 347	91 192	93 046	94 898	96 751	98 605	100 457	102 310	104 164	106 016	107 869		
	Net D	62 983	64 168	65 352	66 537	67 721	68 905	70 089	71 274	72 457	73 641	74 826	76 009	77 194		
	Net S	58 486	59 570	60 653	61 705	62 740	63 773	64 807	65 842	66 875	67 909	68 944	69 977	71 011		
First Officer																
P-4	Gross	70 619	72 382	74 141	75 913	77 700	79 483	81 269	83 054	84 839	86 623	88 406	90 197	92 003	93 811	95 619
	Net D	53 196	54 353	55 507	56 660	57 817	58 971	60 126	61 281	62 436	63 590	64 744	65 901	67 055	68 210	69 365
	Net S	49 523	50 584	51 643	52 700	53 758	54 814	55 871	56 928	57 985	59 041	60 096	61 150	62 158	63 166	64 175
Second Officer																
P-3	Gross	57 720	59 351	60 984	62 613	64 246	65 889	67 542	69 197	70 851	72 506	74 159	75 824	77 500	79 176	80 854
	Net D	44 669	45 754	46 839	47 923	49 008	50 093	51 178	52 263	53 348	54 434	55 518	56 603	57 687	58 772	59 858
	Net S	41 685	42 683	43 682	44 679	45 678	46 675	47 670	48 667	49 662	50 658	51 654	52 648	53 640	54 632	55 626
Associate Officer																
P-2	Gross	46 458	47 883	49 305	50 728	52 149	53 572	54 996	56 453	57 915	59 372	60 830	62 291			
	Net D	37 035	38 006	38 976	39 946	40 916	41 886	42 857	43 826	44 798	45 768	46 737	47 709			
	Net S	34 741	35 622	36 500	37 380	38 258	39 138	40 017	40 909	41 804	42 696	43 588	44 482			
Assistant Officer																
P-1	Gross	35 382	36 718	38 051	39 386	40 719	42 052	43 388	44 722	46 081	47 449					
	Net D	29 317	30 251	31 183	32 116	33 048	33 979	34 914	35 845	36 777	37 710					
	Net S	27 655	28 515	29 372	30 230	31 087	31 944	32 804	33 661	34 508	35 353					

D = Rate applicable to staff members with a dependent spouse or child

S = Rate applicable to staff members with no dependent spouse or child

* = This scale will be implemented in conjunction with a consolidation of 3.1 per cent of post adjustment. There will be consequential adjustments in the post adjustment indices and multipliers at all duty stations effective 1 March 1998. Thereafter, changes in post adjustment classifications will be effected on the basis of the movements of the consolidated post adjustment indices.

Annex II

LETTERS OF APPOINTMENT

(See regulation 4.1)

1. The letter of appointment of a staff member shall state:

(a) That the appointment is subject to the provisions of these Regulations applicable to the category of appointment in question and to changes which may be duly made in such Regulations from time to time;

(b) The nature of the appointment;

(c) The date at which the staff member is required to enter upon duties;

(d) The period of appointment, the notice required to terminate it and the period of probation, if any;

(e) The category, level, commencing rate of salary and, if increments are allowable, the scale of increments and the maximum attainable;

(f) Any special conditions which may be applicable.

2. A copy of these Regulations shall be transmitted to the staff member with the letter of appointment. In accepting appointment the staff member shall state that he or she has been informed of the conditions laid down in these Regulations and accepts them.

Annex III

TERMINATION INDEMNITY

(See regulation 9.3)

Staff members whose appointments are terminated shall be paid an indemnity in accordance with the following provisions:

(a) Except as provided in subparagraphs (b), (c) and (e) and in regulation 9.3 (b), the termination indemnity shall be paid in accordance with the following schedule:

	Months of gross salary less staff assessment, where applicable[a] or Months of pensionable remuneration less staff assessment, where applicable[b]		
Completed years of service	Permanent appointments	Temporary appointments which are not for a fixed term	Temporary appointments for a fixed term exceeding six months
Less than 1	Not applicable	Nil)	One week for each
1	Not applicable	1)	month of uncompleted
2	3	1)	service subject to a
3	3	2)	minimum of six weeks'
4	4	3)	and a maximum of three
5	5	4)	months' indemnity pay
6	6	5	3
7	7	6	5
8	8	7	7
9	9	9	9
10	9.5	9.5	9.5
11	10	10	10
12	10.5	10.5	10.5
13	11	11	11
14	11.5	11.5	11.5
15 or more	12	12	12

[a] For staff in the Professional and higher categories.

[b] For staff in the General Service and related categories.

(b) A staff member whose appointment is terminated for reasons of health shall receive an indemnity equal to the indemnity provided under subparagraph (a) reduced by the amount of any disability benefit that the staff member may receive under the Regulations of the United Nations Joint Staff Pension Fund for the number of months to which the indemnity rate corresponds.

(c) A staff member whose appointment is terminated for unsatisfactory services or who for disciplinary reasons is dismissed for misconduct other than by summary dismissal may be paid, at the discretion of the Registrar, an indemnity not exceeding one half of the indemnity provided under subparagraph (a).

(d) No indemnity payments shall be made to:

A staff member who resigns, except where termination notice has been given and the termination date agreed upon;

A staff member who has a temporary appointment that is not for a fixed term and that is terminated during the first year of service;

A staff member who has a temporary appointment for a fixed term that is completed on the expiration date specified in the letter of appointment;

A staff member who is summarily dismissed;

A staff member who abandons his or her post;

A staff member who is retired under the Regulations of the United Nations Joint Staff Pension Fund.

(e) Staff members specifically engaged for conference and other short-term service or for service with a mission, as consultants or as experts, may be paid termination indemnity if and as provided in their letters of appointment.

Annex IV

REPATRIATION GRANT

(See regulation 9.4)

In principle, the repatriation grant shall be payable to staff members whom the Tribunal is obligated to repatriate and who at the time of separation are residing, by virtue of their service with the Tribunal, outside their country of nationality. The repatriation grant shall not, however, be paid to a staff member who is summarily dismissed. Eligible staff members shall be entitled to a repatriation grant only upon relocation outside the country of the duty station. Detailed conditions and definitions relating to eligibility and requisite evidence of relocation shall be determined by the Registrar.

Years of continuous service away from home country	Staff member with a spouse or dependent child at time of separation	Staff member with neither a spouse nor a dependent child at time of separation	
		Professional and higher categories	General Service category
	Weeks of gross salary less staff assessment, where applicable[a] or Weeks of pensionable remuneration less staff assessment, where applicable[b]		
1	4	3	2
2	8	5	4
3	10	6	5
4	12	7	6
5	14	8	7
6	16	9	8
7	18	10	9
8	20	11	10
9	22	13	11
10	24	14	12
11	26	15	13
12 or more	28	16	14

[a] For staff in the Professional and higher categories.

[b] For staff in the General Service and related categories.

Annex V

PROCEEDINGS BEFORE THE CONCILIATION COMMITTEE

(See regulation 11)

1. A staff member of the Registry who wishes to lodge a complaint under regulation 11, paragraph (e), shall first address a letter to the Registrar requesting a review of the administrative decision or disciplinary action complained of. The letter must be sent within 30 days of the date on which the staff member received notification or became aware of the decision or action.

2. (a) The staff member may proceed with a complaint if the Registrar, in writing, rejects in whole or in part the request, or if no reply is received by the staff member within 30 days of the date on which the member's letter was received by the Registrar.

(b) The complaint shall be in writing and shall be lodged by the staff member with the Conciliation Committee within 30 days of receipt of the Registrar's reply, or, if there is no reply within 30 days of the date on which the staff member's letter was received by the Registrar, within the next 30 days.

3. In case of disciplinary action, the staff member may lodge a complaint with the Conciliation Committee either in conformity with paragraphs 1 and 2 or within 30 days of the date on which the member received notification or became aware of the action complained of.

4. When lodging a complaint the staff member shall send a copy to the Registrar. Within 30 days of receiving the copy, the Registrar shall send a reply in writing to the Conciliation Committee and, at the same time, a copy to the staff member. The Chairman of the Committee shall ensure that those copies have in fact been received by the addressees.

5. As soon as practicable after receiving the Registrar's reply, the Conciliation Committee shall endeavour to conciliate between the parties and shall hear them for that purpose. In the event of a successful conciliation, it shall record the agreement of the parties in a Minute. In the event of failure, it shall draw up a report summarizing the procedure followed, the arguments of the parties and the recommendations made by the Committee during the proceedings. That report shall be transmitted to the Registrar and to the staff member. By virtue of regulation 11, paragraph (g), and within the time limit indicated in the agreement between the Tribunal and the United Nations for which provision is made in that paragraph, the staff member shall be entitled to submit an Application to the United Nations Administrative Tribunal.